

SENATE BILL No. 85

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-9.

Synopsis: Discharge of long term inmates. Requires the department of correction to provide for an automatic, one time review of a long term inmate's sentence to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from the department. Applies only to inmates who have been confined to the department for at least 25 years, not including inmates who receive sentences of death. Requires the department to establish a panel separate from the parole board to conduct the review. Requires the panel to consider all relevant factors when determining whether to discharge the inmate, with special consideration to be given to an inmate who: (1) has a good conduct history during confinement; (2) has suitable plans if discharged; and (3) is at least a high school graduate or the equivalent.

Effective: July 1, 2002.

Bowser

December 7, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 85

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-13-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]:

4 **Chapter 9. Rehabilitation Based Discharge for Long Term**
5 **Inmates**

6 **Sec. 1. This chapter does not apply to an inmate who receives a**
7 **sentence of death under IC 35-50-2.**

8 **Sec. 2. Notwithstanding any other law, as soon as practicable**
9 **after an inmate has been confined to the department for at least**
10 **twenty-five (25) years, the department shall provide for an**
11 **automatic, one (1) time review of the inmate's sentence to**
12 **determine whether the circumstances warrant the inmate's**
13 **discharge from the custody of the department.**

14 **Sec. 3. The department shall establish a panel separate from the**
15 **parole board to conduct the review.**

16 **Sec. 4. The panel shall consider all relevant factors in**
17 **determining whether the inmate is to be discharged under this**



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chapter, with special consideration to be given to an inmate who demonstrates each of the following:

- (1) A good conduct history during confinement.
- (2) Proof that the inmate has suitable living quarters in a community if the inmate is discharged.
- (3) Proof that one (1) or more employers in the area in which the inmate would reside if discharged have offered to employ the inmate for an aggregate of at least thirty (30) hours a week on the same terms as the employer employs other employees working for the employer.
- (4) Proof that the inmate:
 - (A) is at least a high school graduate; or
 - (B) has obtained:
 - (i) a general equivalency degree; or
 - (ii) a state of Indiana general educational development (GED) diploma.

Sec. 5. If the panel determines that the inmate:

- (1) has been properly rehabilitated; and
- (2) has suitable plans to carry out if discharged;

the panel shall discharge the inmate from the custody of the department. However, an inmate who is a sex and violent offender (as defined in IC 5-2-12-4) and who is released from confinement under this chapter must be placed on parole for a period not to exceed ten (10) years.

Sec. 6. The department shall adopt rules under IC 4-22-2 to implement this chapter.

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